THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 20th June, 2006

W.P.No.1260 of 2006

Between :

Smt. N. Ashok Kumari … Petitioner

And

The Revenue Divisional Officer,

Madanapally, Chittoor District

& another … Respondents

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W.P.No.1260 of 2006

ORAL ORDER:

The only complaint of the petitioner is that her father was a fair price shop dealer of Shop No.5, Piler, Chittoor district and due to his sudden demise, she was permitted to run the shop; while so, the impugned Notification dated 7-1-2006 was issued calling for applications to fill up the vacancy caused due to the death of her father, only from the candidates belonging to Backward Class community. According to the

petitioner, she belongs to Scheduled Caste and if the revenue division as a whole is taken into consideration, this vacancy would come to the Scheduled Caste category and further, the 1st respondent-Revenue Divisional Officer himself cannot decide the matter regarding the reservation without taking permission from the Government and no such prior permission was obtained by the 1st respondent before issuing the impugned notification and as such, the notification is bad in law.

Learned Government Pleader for Civil Supplies states that the revenue division has to be taken into consideration for implementing the rule of reservation in allotment of fair price shop dealerships. Since it is notified that the vacancy is reserved for Backward Class candidates, it must be deemed that the authorities have done such an exercise and identified this shop to be reserved for B.C. candidates. Of course, no counter affidavit is filed.

Be that as it may, the petitioner is directed to make a detailed representation, in this regard, before the 1st respondent-Revenue Divisional Officer, who shall entertain the same and decide the matter as to whether the shop in question can be reserved for Scheduled Caste candidate in stead of Backward Class as notified in the impugned notification, after obtaining clarification, if required, from the higher authorities and pass appropriate orders in this regard. The petitioner shall make such an application within three (3) weeks from the date of receipt of a copy of this order and thereafter, the 1st respondent shall dispose of the same as directed above. Till the representation of the petitioner is decided by the 1st respondent, status quo as on date with regard to the fair price shop in question, shall be continued.

With the above direction, the Writ Petition is disposed of. No order as to costs.

20-6-2006

prk